

Assembly Bill No. 2777

CHAPTER 373

An act to amend and repeal Section 31780.2 of the Government Code, relating to county employees' retirement.

[Approved by Governor September 4, 2002. Filed
with Secretary of State September 5, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2777, Nation. County employees' retirement: death benefits.

Under the County Employees Retirement Law of 1937, any death benefits, optional retirement allowances, or survivor's allowances accorded to a spouse, as specified, may be accorded to a domestic partner in San Mateo County, subject to approval by the county board of supervisors and certain limitations.

This bill would also make these provisions applicable to Los Angeles County, Santa Barbara County, and Marin County, subject to registration with the Secretary of State, and a current Affidavit of Domestic Partnership, if required by the county. The bill would also delete a redundant provision of law.

The people of the State of California do enact as follows:

SECTION 1. Section 31780.2 of the Government Code, as added by Chapter 893 of the Statutes of 2001, is amended to read:

31780.2. (a) In a county of the 1st class, the 10th class, the 16th class, or the 18th class, as defined in Sections 28020, 28022, 28031, 28037, and 28039, any benefits accorded to a spouse pursuant to this article and Article 11 (commencing with Section 31760), Article 15.5 (commencing with Section 31841), Article 15.6 (commencing with Section 31855), and Article 16 (commencing with Section 31861), or any of them, may be accorded to a domestic partner, as defined in Section 297 of the Family Code, who is registered with the Secretary of State pursuant to Division 2.5 (commencing with Section 297) of the Family Code. The county may also require the member and the member's domestic partner to have a current Affidavit of Domestic Partnership, in the form adopted by the county board of supervisors, on file with the county for at least one year prior to the member's retirement or death prior to retirement.

(b) In the event a member described in subdivision (a) has a surviving dependent child, the surviving dependent child shall receive the death

and survivor's allowance until age 19 years or until married, whichever occurs earlier, or until age 22 years if attending an educational institution. When the member's surviving dependent child reaches age 19 years or is no longer a dependent, whichever occurs earlier, or reaches age 22 years if attending an educational institution, then the benefits accorded to a spouse, as specified in subdivision (a), may be accorded to a domestic partner pursuant to this section. However, if a surviving dependent child elects to receive a lump-sum payment, the lump-sum payment shall be shared among any surviving dependent children and the domestic partner, pursuant to this section, in a proportional manner.

(c) This section is not operative unless and until the county board of supervisors, by resolution adopted by a majority vote, makes this section operative in the county.

SEC. 2. Section 31780.2 of the Government Code, as added by Chapter 146 of the Statutes of 2001, is repealed.

